

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JANUARY 23, 2014**

Town of Andover
36 Bartlet Street
2nd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

279 Salem Street

Present in Interest: Bill MacLeod

Staff Recommendation: Continue to late March or early April.

Public Hearing on a Request for Determination of Applicability filed by the Patch Development, LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a portion of a driveway, retaining wall and grading within the buffer zone at 279 Salem Street.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. The filing is under both the WPA and the By-Law for proposed tear down and new construction. BVW is on an abutting lot, but does throw a buffer under the By-Law onto this lot. Agent Cleary visited the site and was unable to confirm the wetland line due to snow cover and frozen conditions.

Mr. MacLeod presented the project to the Commission. The existing dwelling will be demolished and a new septic and home to be built are outside the 100 foot setback. There is an intermittent stream across the street. The haybale line shown on the plan is outside the 50 foot no build.

Chairman Cooper agreed that with a possible thaw, staff may be able to review the wetland line and bank prior to March.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to February 18, 2014; it was seconded by Commissioner Driscoll and unanimously approved.

3 Cottonwood Circle

Present in Interest: Joe Reilly

Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6.

Public Hearing on a Request for Determination of Applicability filed by the Joe Reilly under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed replacement of existing septic system and associated site work at 3 Cottonwood Circle.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. The filing is under the WPA only and the property is located within the Fish Brook Watershed Protection Overlay District. Erosion controls are not necessary as the work is in the front of the property which slopes towards the road. Board of Health approval must be given prior to commencement of work.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Commissioner Driscoll and unanimously approved.

15 Webster Street

Present in Interest: David Newhouse

Staff Recommendation: Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by the George Brock-Fisher under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a garage, two additions, porch and deck extension at 15 Webster Street.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. The filing is under the WPA only. The Applicant is requesting a waiver for Engineered Plans. The garage and breezeway are 55 feet from the wetland and the addition and deck extension in the rear of the property are 100 feet from the wetland. There will be a drywell for roof runoff from the garage. Erosion controls will be a fiber roll placed around the existing apple trees. Lawn is currently to the edge of BVW. The Applicant agreed to install non-disturb bounds at the 15 foot line prior to the commencement of work.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion the Waiver Request; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea made a Motion to Approve as Neg.3; it was seconded by Commissioner Driscoll and unanimously approved.

21 River Street

Present in Interest: Bill MacLeod and Ken LaRose

Staff Recommendation: Continue for revised plan.

Continued Public Hearing on a Notice of Intent filed by 607 Turnpike Street LLC, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling, driveway, grading and utilities at 21 River Street.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. This was continued from December 3, 2013 for a site visit and to determine if the application fulfills all the requirements under 10.58 (4)(d)1. The revised plan submitted by the Applicant shows the addition of an infiltration trench along the proposed driveway. No other effort was made by the Applicant to keep the 100 foot inner riparian undisturbed. Between the combined lots the 100 foot inner riparian should be achieved. This is a viable wildlife corridor. Lawn and mowing of lawn is not undisturbed vegetation per DEP.

Commissioner Greenwood, who attended the site visit, stated that after visiting the site, there is no practicable reason not to meet the 100 foot undisturbed area.

Commissioner Porter read the email from DEP regarding lawn not being considered undisturbed vegetation within the 100 foot inner riparian in accordance with 10.58 (4)(d)1.

Ken LaRose, the builder for this lot, stated that 100 feet of undisturbed vegetation is not practicable because the new owner may want to put in a pool or playscape.

Chairman Cooper advised that this property is riverfront to the Shawsheen River, the Commission should enforce the 100 foot undisturbed area. DEP would have to change their policy for this project if the 100 feet is not to be met.

Mr. MacLeod agreed to provide a revised plan showing the 100 foot area to be naturalized – not lawn.

Chairman Cooper asked for a Motion. Commissioner Greenwood a Motion to close the public hearing with the revised plan to be sent to staff prior to the next hearing; it was seconded by Commissioner Driscoll and unanimously approved.

165 Haverhill Street

Present in Interest: Dick O'Brien, Paul Marchionda, Scott Salvucci, and Rick Feldman

Staff Recommendation: Close Public Hearing.

Continued Public Hearing on a Notice of Intent filed by The Merrimack Valley Young Men's Christian Association, Inc., under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an addition, remodeling and additional parking at 165 Haverhill Street.

Mr. Douglas presented this to the Commission. This was continued from December 3, 2013 for a site visit, comments from DEP, snow storage plans and presentation by peer reviewer.

Scott Salvucci presented his peer review to the Commission. After several reviews and revisions with the Applicant, the project meets the standards or is meeting the standards to the maximum amount practicable. DEP is concerned that turning an existing lawn area into a parking area would change where the water infiltrates and no longer feed the two streams on the property. The stream closest to the woods is upgradient from the parking area. The water is being recharged down gradient where the detention area is located and infiltrating onsite, just in a different location. DEP is also viewing the new parking area as new development. The Applicant views it as redevelopment and with the alternatives analysis, has met the stormwater standards to the maximum extent practicable.

Commissioner Porter was concerned that the recharge system may be located where the water table is high. The recharge system is located where there is a 2 foot separation, which is required. There is between 10 and 20 feet between the recharge area and the condominiums so there will be no impact on their groundwater.

Chairman Cooper inquired about any impact on downstream flooding. The peak rates do not exceed the existing flow rates on the site, so there is no impact.

Commissioner Greenwood added that the current pool has been discharging into the drainage system. He asked that the draining of the pool into a wetland be prohibited in the Order of Conditions and must be scheduled with the Town ahead of time.

Dick O'Brien expressed his concern that the stream flowing in front of the YMCA carrying water from upgradient properties flows into a private culvert downstream that is over 100 years old and cannot handle any increase in water flow without damage to the culvert. He asked that storm drains be installed to divert the water out of this culvert. This new project is piping the water into the Haverhill Street water system or recharged into the groundwater. There is no peak flow runoff going into this private culvert. Staff recommended Mr. O'Brien provide a synopsis to Chris Cronin at DPW with a copy to Mr. Douglas to try to assist him.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to close the public hearing; it was seconded by Commissioner Porter and unanimously approved.

5 Courtney Lane

Present in Interest: Bill MacLeod and Gerry Welch

Staff Recommendation: Continue for revised plan.

Continued Public Hearing on a Notice of Intent filed by Carolina Properties, LLC, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling with appurtenant driveway, lot grading and utilities at 5 Courtney Lane

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. This was continued from December 3, 2015 for a site visit, stockpiling issues to be addressed, distinct barrier to no disturb zone line, outline providing constructability will be in compliance with Order of Conditions and DEP comments. The filing is under both the WPA and our By-Law and the property is located within the Riverfront. Revised Plan and letter received indicate boulders placed 20 feet apart "as agreed on during the site visit". Staff believes a distance of 20 feet between the boulders will not prevent encroachment.

Mr. MacLeod presented the revised project to the Commission. The Applicant believes a fence would prohibit use of the wooded area. He agreed to place non-disturb markers in between the boulders to prevent encroachment. Any stockpiling will be done off site.

Commissioner Porter stated that during the site visit no agreement was made, there was no deliberation regarding the boulders and no vote was made on site.

Commissioner Greenwood suggested placing the boulders 10 feet apart from center which would prohibit encroachment, but allow passive use of the wooded area.

Commissioner Driscoll agreed with staff that a post and rail fence would deter any cutting or encroachment better than boulders. It would also deter animals from entering the yard.

Mr. MacLeod agreed to placing boulders 2 feet in diameter, 10 feet apart from center with markers.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to approve no stockpiling on site and boulders 2 feet in diameter placed 10 feet apart from center; it was seconded by Commissioner Porter with Commissioner Driscoll opposed.

Commissioner Porter made a Motion to close the public hearing; it was seconded by Commissioner Honea and unanimously approved.

16 County Road

Present in Interest: Bill MacLeod and Gerry Welch

Staff Recommendation: Close the Public Hearing.

Continued Public Hearing on a Notice of Intent filed by Carolina Properties, LLC, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an addition, garage under and driveway at 16 County Road.

In Agent Cleary's absence, Mr. Douglas presented this to the Commission. Continued from December 19, 2013 for DEP comments and clarification from DEP regarding the 100 foot undisturbed vegetation. The Applicant has provided a revised plan keeping the 100 feet inner riparian zone naturalized (no lawn area). The revision comports with 10.58 (4)(d)1 as requested by the Commission. The revised plan also indicates boulders to be placed about 35 feet apart on

center. Staff to review the placement of the boulders and will be able to request additional boulder placement if necessary.

Chairman Cooper reminded Mr. MacLeod that he may be setting a precedent by submitting this revised plan comporting to 10.50 (4)(d)1 for future lots.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing with the amendment regarding the boulder placement; it was seconded by Commissioner Porter and unanimously approved.

ACTION ITEMS:

146 Dascomb Road

Staff Recommendation: Find Insignificant

Consideration of significance for plan changes to address peer review comments. The changes have been reviewed by Janet Bernardo and they are minor changes from a stormwater standpoint.

Vice Chairman Walsh made a Motion to find the change insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

276 North Main Street

Staff Recommendation: Approve.

Issue Order of Conditions.

Vice Chairman Walsh made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from December 19, 2013 and January 7, 2104.

7 Central Lane

Issuance of a Satisfactory Completion of Work Certificate

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Honea and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

2 Hitchcock Farm Road

Update on Superseding Order of Conditions issued by DEP. The project could not be remanded back to the Commission because we denied the project. Many of the revisions are what the Commission requested of the Applicant at our hearing.

Solarize Andover

Public Meeting January 30, 2014 at 7:00pm to launch Solarize Andover.

Transfer of Open Space Land Acquisition Bonding Appropriations

Present in Interest: Susan Stodt and Al French

Discussion and approval of transfer of open space land acquisition bonding appropriations for Town Meeting. This would ask for a transfer of the \$800,000 appropriated at Town Meeting 2001 for the purchase of Reichhold property to another account for future land purchases. Commissioner Greenwood made a Motion to support the article; it was seconded by Commissioner Driscoll and unanimously approved.

The Commission entered into Executive Session without returning to open session by a Motion of Commissioner Driscoll, seconded by Commissioner Porter and unanimously approved.

The next meeting will be held February 4, 2014 at 7:45pm.

The meeting was adjourned at 9:52pm by Motion of Vice Chairman Walsh and seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**